

**115 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR No.7136 of 2015

Date of Decision: October 21, 2015

Mr. Nand Kishore Gupta

.... Petitioner

vs.

M/s Samtel Display Systems Ltd.

.... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. K.L. Goyal, Sr. Advocate with
Mr. Rohit Gupta, Advocate for the petitioner.

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

Impugned in the present revision petition is the order dated 05.10.2015 passed by learned Civil Judge (Jr. Divn.), Chandigarh, vide which the lower court has granted conditional leave to defend under Order XXXVII of CPC to the defendant-petitioner.

Learned counsel for the petitioner contends that while granting leave to defend the suit filed under order XXXVII of CPC, the lower court on the basis of the statement of learned counsel for the plaintiff, granted leave to defend, subject to furnishing bank guarantee of the amount claimed in the suit.

Learned counsel for the petitioner further contends that it is difficult for the petitioner to furnish the bank guarantee and has no objection if surety of immovable property is allowed to be furnished.

The only purpose of the impugned order is to secure the decree, which may be passed against the defendant-petitioner. Therefore, the impugned order is modified to the extent that in place of bank guarantee, the petitioner shall furnish surety of the immovable property before the lower court within 15 days.

Accordingly, the present revision petition stands disposed of with the said modification.

The copy of this order be given under the signatures of the Bench Secretary.

October 21, 2015
sarita

(KULDIP SINGH)
JUDGE